

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THOMAS MATJE,

Plaintiff,

Case No. 13-cv-14791
Hon. Matthew F. Leitman

v.

MR. ZESTOS, Medical Director,
et al.,

Defendants.

**ORDER (1) GRANTING DEFENDANT GIDEL'S MOTION
TO DISMISS FOR INSUFFICIENT SERVICE OF PROCESS (ECF #54)
AND (2) DISMISSING THE CLAIMS AGAINST DEFENDANT GIDEL
WITHOUT PREJUDICE**

Plaintiff Thomas L. Matje (“Matje”), an inmate in the custody of the Federal Bureau of Prisons, has filed a pro se civil action pursuant to *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U.S. 388 (1971), against three defendants: James Zestos (“Zestos”), Dr. William Malatinsky (“Malatinsky”) and S. Gidel (“Gidel”). (*See* Compl. and Am. Compl., ECF ## 1, 17.) Before the Court now is Defendant Gidel’s Motion to Dismiss for Insufficient Service of Process (the “Motion”). (*See* ECF #54.)

On July 30, 2017, the assigned Magistrate Judge issued a Report and Recommendation recommending that the Court grant the Motion and dismiss Matje’s claims against Gidel without prejudice (the “R&R”). (*See* ECF #59.) At

the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of his recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.* at Pg. ID 434-35.)

Matje has not filed any objections to the R&R. The failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, because Matje has failed to file any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge's recommendation to grant the Motion is **ADOPTED**.

IT IS FURTHER ORDERED that (1) Gidel's Motion to Dismiss for Insufficient Service of Process (ECF #54) is **GRANTED** and (2) the claims against Gidel are **DISMISSED WITHOUT PREJUDICE**.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: August 21, 2017

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 21, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(810) 341-9764